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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,378	12/18/2001	Mark J. Harris	26769-4	7906

21130 7590 07/27/2004

BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP  
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EXAMINER
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NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/018,378

Applicant(s)

HARRIS, MARK J.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment filed 5/17/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. (U.S. Patent 5,974,453).

Regarding claims 1, 10, and 11, Andersen et al. teach receiving a telephone number portion identifying a device (phone number 011-123-456-7890 identifying device 115); converting ("rearranging") the telephone number portion into a multiple level domain name identifying the device over a network, the multiple level domain name comprising a plurality of domains corresponding to the telephone number portion and a base portion (col. 3, lines 29-41, for example, 7890.456.123.011.dir-con.com); and establishing communication with the device via the multiple level domain name over the network (col. 3, lines 37-48).

However, Andersen et al. do not suggest the plurality of domains corresponding to the telephone number portion are arranged "in an order" corresponding to the telephone number portion.

On one hand, "an order" corresponding to the telephone number would read on the reverse "order" taught by Andersen. A "reverse order" is still an "order". On the

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other hand, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the domains corresponding to the telephone number portion may<sup>be</sup> arranged in "an order" corresponding directly and exactly to the telephone number portion, or in a reverse order. Obviously, either "order" may be chosen without departing from the teachings of Andersen.

Regarding claim 2, Andersen et al. teach the telephone number portion of the multiple level domain names is subordinated to the base portion, for example, 7890.456.123.011.dir-con.com.

Regarding claim 3, Andersen et al. teach the base portion of the multiple level domain names comprise a base level domain, for example, .com.

Regarding claims 4 and 13, Andersen et al. teach adding domain separators to the received telephone number portion at determinable locations in the received telephone number portion ("adding the periods" - col.5, lines 63-67).

Regarding claims 5 and 14, Andersen et al. teach parsing the received telephone number (Fig. 5, 500) portion for the separator ("arrange static identifier to form DNS device name"); and inserting a domain separator for the parsed separator (Fig. 5, 515).

Regarding claim 6, Andersen et al. teach appending additional domain levels to the converted telephone number portion to complete the multiple level domain name (col. 8, lines 12-15).

Claims 7 and 8 are rejected for the same reasons discussed above with respect to claim 1. Furthermore, Andersen et al. teach determining availability of the second device the m on the network (col. 8, lines 19-31); and in response to the determining

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step, selectively establishing communications from the first device to the second device (col. 8, lines 44-51).

Regarding claim 9, Andersen et al. teach querying the second device over the network; and receiving a response from the second device indicative of second device availability ("the device 115 is transmitting keep-alive signals") (col. 7, lines 47-64).

Regarding claim 12, Andersen et al. teach matching the static multiple level domain names to an IP address (col. 3, lines 29-40).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
July 22, 2004



AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600